



Attachment H(i) - Case Report

1	Case Number	0504/10
2	Advertiser	Kittens
3	Product	Sex Industry
4	Type of Advertisement / media	Transport
5	Date of Determination	08/12/2010
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

Image of a female wearing a string bikini and perspex high heels which stretches across most of the side of a black ute, registration PRRRR - 1.

The woman has her back arched and her head is turned away so we cannot see her face. Her knees are bent and the word "KITTENS" is written in large pink letters near her legs.

The writing underneath her reads, "Caulfield. www.kittens.com.au. Sth Melbourne."

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

Glen Eira City Council has recently received complaints from concerned residents in respect of the business operation at the above-mentioned address known as Kittens Car Wash. Of particular concern to residents is the form of advertising embellished on a company owned motor vehicle which is strategically regularly parked on the site to gain maximum advertising exposure.

The vehicle is a black Commodore Utility Victorian Registration Number PRRRR-1. On the sides of the vehicle are sexually suggestive images of a female being of the same content as the Kittens Party Bus referred to in your Case Report 0225/10 of 9 June 2010.

As the above Case Report has determined this advertising content to be in contravention of Section 2.3 of the Advertising Standards Code of Ethics (the Code) Council is seeking your assistance as the regulatory authority in the enforcement for the continuing breach of the Code.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

The advertiser has not responded.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concerns about the location and medium on which the advertisement appears (transport) and that the advertisement is sexually suggestive, not relevant to the product and contributes to the sexualisation of children.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone"; and 2.5 of the Code relating to language.

The Board noted that a substantially similar advertisement was considered previously in 2005 and in 2010 (278/05 and 225/10).

The Board noted the advertisement is for a striptease club and that such clubs are allowed to be advertised provided that they treat sex, sexuality and nudity with sensitivity to the relevant audience in accordance with section 2.3 of the Code. The Board noted that the image of a woman lying down is relevant to the advertised product or service.

The Board noted that the advertisement depicted a bikini clad woman lying down with her back arched and her head turned away from the viewer. In the Board's view this depiction is a sexually suggestive and sexualised image. The Board also considered that although the woman was not naked, she was clothed revealingly and a significant portion of her breast is visible.

The Board noted the advertisement is featured on the side of a car and expressed concern that the medium on which the advertisement appears is available for viewing by a broad audience. The Board considered that the image in the advertisement is sexualised and the size and repetition of the advertisement means that it is clearly available for viewing by a broad audience. In the Board's view the overall impact of the advertisement is sexually suggestive

and brings the issue of sex to all who see it, including children. The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and therefore breaches section 2.3 of the Code.

The Board considered that the advertiser had not replied to contact from the Advertising Standards Bureau and that the Board relied on the image of the side of bus provided by the complainant. The Board noted that the only wording apparent on the image supplied is reference to the Kittens name and the Kittens website. The Board considered that these references are not of themselves offensive and in the context of the name of the product was not offensive or obscene. The Board determined that the advertisement did not breach section 2.5 of the Code.

Finding that the advertisement was in breach of section 2.3 of the Code the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Board's determination to uphold the complaints.